

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff(s),

v.

FERNANDO LIZARRAGA-VAZQUEZ,

Defendant(s).

Case No.2:21-CR-226 JCM (NJK)

ORDER

Pending before the court is defendant Fernando Lizarraga-Vazquez's *pro se* motion for a sentence reduction under Amendment 821 of the United States Sentencing Commission Guidelines. (ECF No. 166). Amendment 821 is a retroactive amendment that provides a 2-level downward offense level adjustment for certain zero-point offenders whose offenses fit within the guideline's criteria. *See* USSG § 4C1.1.

This court sentenced the defendant on September 18, 2023. (ECF No. 138). The court imposed a custodial term of 60 months. (ECF No. 139). The defendant filed his motion for a sentence reduction *pro se*, on a standard form. (ECF No. 166). He was shortly thereafter appointed a federal public defender, pursuant to General Order 2023-09.¹ (ECF No. 167).

The defendant's counsel filed a notice of non-eligibility. (ECF No. 168). She informs the court that she reviewed the defendant's motion (and other relevant documents) and has determined that the defendant does not qualify for a sentence reduction under Amendment 821. (*Id.*). The sentence this court imposed is well below the guideline range of 87 to 108 months that would apply

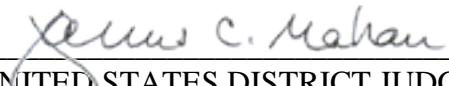
¹ General Order 2023-09 presumptively appointed counsel for any defendant "previously determined to have been entitled to appointment of counsel, or who is now entitled to appointment of counsel, to determine whether that defendant may qualify for retroactive relief under Amendment 821."

1 under the Amendment. The court therefore agrees with the defendant's counsel that there is "no
2 colorable argument for a sentence reduction as it relates to Amendment 821." (*Id.*). She has also
3 explained this to the defendant.

4 Accordingly,

5 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendant's motion for a
6 sentence reduction (ECF No. 166) be, and the same hereby is, DENIED.

7 DATED June 17, 2024.

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11 UNITED STATES DISTRICT JUDGE
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